

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 890

Introduced by Assembly Members Olsen and Perea
(Coauthors: Assembly Members Garrick, Gorell, Grove, Harkey,
and Silva)

(Coauthors: Senators Berryhill, Harman, Rubio, and Runner)

February 17, 2011

An act to add Section 21080.37 to the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 890, as amended, Olsen. Environment: CEQA exemption: roadway improvement.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA exempts from its requirements specified projects or activities.

This bill would additionally exempt a ~~roadway improvement~~ project or *an* activity that is undertaken, *carried out, or approved* by a city, or county, ~~or including a city and county, to improve public safety within an existing road right-of-way. This bill would provide that this exemption would not apply to a project or activity undertaken, carried out, or approved for the purpose of increasing traffic capacity.~~ Because a lead agency would be required to determine whether a project falls within the above exemption, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21080.37 is added to the Public Resources
2 Code, to read:

3 21080.37. ~~This~~ (a) *Except as provided in subdivision (b), this*
4 *division does not apply to a project or activity undertaken, carried*
5 *out, or approved by a city or county to improve public safety within*
6 *an existing road right-of-way for the purposes of roadway*
7 *improvement that includes, but is not limited to, shoulder widening,*
8 *guardrail improvement, minor drainage, culvert replacement, traffic*
9 *signal modification, safety improvements, and operation, repair,*
10 *maintenance, or minor alteration of existing roadway*
11 *improvements, including, but not limited to, highways and streets,*
12 *sidewalks, gutters, bicycle and pedestrian ways, and similar*
13 *facilities.*

14 (b) *This section does not apply to a project or an activity*
15 *undertaken, carried out, or approved by a city or county for the*
16 *purpose of increasing traffic capacity.*

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 a local agency or school district has the authority to levy service
20 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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